

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LOUISIANA HEALTH SERVICE &  
INDEMNITY COMPANY d/b/a BLUE  
CROSS AND BLUE SHIELD OF  
LOUISIANA, HMO LOUISIANA INC.,  
DAVID MITCHELL, individually and on  
behalf of all others similarly situated,  
NEW YORK HOTEL TRADES COUNCIL  
& HOTEL ASSOCIATION OF NEW YORK  
CITY, INC. HEALTH BENEFITS FUND,  
individually and on behalf of all others  
similarly situated, *and* CENTERWELL  
PHARMACY, INC.

Plaintiffs,

– *against* –

CELGENE CORPORATION, BRISTOL  
MYERS SQUIBB COMPANY, ANTHONY  
INSOGNA, *and* JEROME ZELDIS,

Defendants.

**ORDER**

23-cv-7871 (ER)

RAMOS, D.J.:

On March 21, 2024, Defendants Celgene, Insogna, and Zeldis filed separate motions to dismiss the First Amended Complaint. Docs. 108, 117, 120.

Several parties have requested leave to file memoranda or supplemental authority under seal, Docs. 107, 125, 143, all of which the Court has granted.

Today the Court issued an Opinion and Order granting the motions to dismiss. Defendants' motions to dismiss are GRANTED for failure to state a claim pursuant to Section 2 of the Sherman Act, and analogous state law claims. Zeldis' motion to dismiss is also GRANTED for lack of personal jurisdiction. The Court will email the Opinion and Order to the parties so that they may review the same and suggest proposed redactions. The parties are instructed to submit their proposed redactions, on consent, by

email to chambers by Thursday, April 3, 2025, or inform the Court that no redactions are necessary.

The Clerk of Court is respectfully directed to terminate the motions, Docs. 108, 113, 117, and 120, and close the case.

It is SO ORDERED.

Dated: March 31, 2025  
New York, New York



---

EDGARDO RAMOS, U.S.D.J.